

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 27 May 2021

CASE NOS: 2020-TAE-00016

In the Matter of:

**DEPUTY ADMINISTRATOR,
WAGE AND HOUR DIVISION,
UNITED STATES DEPARTMENT OF LABOR,**
Prosecuting Party,

v.

JELINEK CUSTOM CLEANING, INC.,
Respondent.

DECISION AND ORDER APPROVING CONSENT FINDINGS

This case arises under the H-2A provisions of the Immigration and Nationality Act (INA), 8 U.S.C. § 1101(a)(15)(H)(ii)(a), as amended, and the implementing regulations at 20 C.F.R. Part 655, Subpart B, and 29 C.F.R. Part 501, as well as the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 201 *et seq.*

On May 5, 2019, the Deputy Administrator, Wage and Hour Division of the Department of Labor issued a Notice of Determination to the Respondent. The Notice of Determination described violations of certain H-2A provisions of the INA occurring between February 1, 2017 and November 1, 2018 and violations of the FLSA for the period of February 1, 2017 through January 27, 2019. The case was referred to the Office of Administrative Law Judges on September 23, 2020 and assigned to me on November 24, 2020. Hearing of the matter was set to commence on February 17, 2021. On December 21, 2020, following a pre-hearing teleconference with counsel for all parties, I issued an Order Staying Proceedings and Cancelling Hearing so that settlement could be pursued through mediation.

On May 26, 2021, the parties filed a proposed Settlement Agreement and Consent Findings (Consent Findings). Among other things, the Consent Findings require the payment of \$23,719.64 in H-2A back wages and \$28,161.15 in FLSA back wages to a total of thirty one (31) of Respondent's current or former employees. The Consent Findings also require Respondent to pay an amended aggregate civil money penalty of \$28,119.21 and be subject to a 24-month debarment period beginning on the date of this Order.

I reviewed the Consent Findings and am satisfied with its form and substance. 29 C.F.R. § 501.40(d). Accordingly, Consent Findings are **APPROVED**. The terms and conditions set forth in the Consent Findings are **ADOPTED** in full and incorporated by reference into this Decision and Order. This case is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

JODEEN M. HOBBS
Administrative Law Judge
Washington, D.C.